

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

LEONARD LEE NANCE, #518930	§	
VS.	§	CIVIL ACTION NO. 6:05cv313
DIRECTOR, TDCJ-CID	§	

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Judith K. Guthrie. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of Petitioner's motion for default judgment (dkt#23) and motion for preliminary injunction (dkt#11). Respondent filed objections to the Report. This Court made a *de novo* review of Respondent's objections and determined that Respondent is correct in stating that he filed the Response within the time period ordered by this Court.

The Magistrate Judge also presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of the case. No objections were filed.

This Court notes that Petitioner does not need a certificate of appealability to appeal the denial of his 28 U.S.C. § 2241 petition. The Court finds that the Magistrate Judge's conclusions regarding disposition of the motions and of the petition are correct, and adopts them as the Court's

conclusions. The Court therefore

**ORDERS, ADJUDGES, and DECREES** that this action is **DISMISSED WITHOUT PREJUDICE**; and

**ORDERS** that all motions not previously ruled on are denied.

**So ORDERED and SIGNED this 28th day of March, 2006.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS**  
**UNITED STATES DISTRICT JUDGE**